



Paper No. 4

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In re Application of	:	OFFICE OF PETITIONS
Foster, et al.	:	
Application No. 10/044,182	:	ON PETITION
Filed: October 26, 2001	:	
Attorney Docket No. 030048041US	:	

This is a decision on the papers styled, "Petition Under 37 CFR 1.53(e) To Establish Prior Receipt Of Items Considered Omitted," filed on May 20, 2002, requesting that the above-identified application be accorded a filing date of October 26, 2001, including Figure 7 as described in the specification.

The application was filed on October 26, 2001. However, on March 26, 2002, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Omitted Items In A Nonprovisional Application" that stated the application had been accorded a filing date, but Figure 7 as described in the specification appears to have been omitted.

In response, on May 20, 2002, the instant petition and a copy of Figure 7 as described in the specification were submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of eight (8) sheets of drawings on October 26, 2001. The eight (8) sheets of drawings contain Figures 1-7. A review of the application file indicates the presence of only seven (7) sheets of drawings with the sheet containing Figure 7 missing. It is assumed that missing sheet of drawings containing Figure 7 was misplaced by the Office.

In view of the above, the petition is granted.

The \$130.00 petition fee submitted on May 20, 2002 will be refunded to deposit account no. 50-0665.

This application will be returned to OIPE for further processing with a filing date of October 26, 2001, using the copy of Figure 7 as described in the specification, supplied on May 20, 2002.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Edward Tannouse at (703) 306-9200.



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